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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/577,112	04/25/2006	Johannes Antonius Adrianus Maria Van Heeswijk	NL 031256	1174

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BRIARCLIFF MANOR, NY 10510

EXAMINER

RALEIGH, DONALD L

ART UNIT	PAPER NUMBER
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2879

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/577,112	Applicant(s) VAN HEESWIJK ET AL.	
	Examiner DONALD L. RALEIGH	Art Unit 2879	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 2 and 7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 2, the phrase, "said shape of the cap (2) is established by breaking away, or not, a break away part (8) provided at the cap (2)" is unclear. For the purpose of examination, the Examiner reads the phrase as, "said shape of the cap (2) is established by breaking away or not breaking away one or more breakaway parts provided at the cap, where each breakaway part, when broken away, creates a recess which permits insertion of the burner into the lampholder."

Regarding claim 7, the term "relative weak connection" in claim 7 is a relative term which renders the claim indefinite. The term "relative weak" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

Examiner requests correction to conform with above statement to provide clarity.

Claim Objections

Claim 7 is objected to because of the following informalities:

In claim 7, the statement "...whereby that part (8)" should be amended to read "...whereby said part (8)".

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Behr et al (US Patent No. 6,628,081).

Regarding Claim 1, Behr discloses, at least in Figure 1 and the abstract, a lamp (Figure 1) comprising a burner (1)(lamp vessel) and a cap (5 and 6 (base)) to connect the lamp with a lampholder (Plugs 7 and 8 for connecting to motor vehicle), whereby the shape of the cap determines the type of lampholder to which the lamp can be connected, (the shape of the cap always determines the type of lampholder that the lamp can be connected to), characterized in that said shape of the cap is established after the burner and the cap of the lamp are assembled.(If, for example, the injection molding process is used for the base (5 and 6, see Column 4, lines 23-25), the shape of the base (5 and 6) would be determined after the assembly of the base (cap) and the bulb (burner).Furthermore, since Behr discloses a two part base (5 and 6), the shape of the base would not be determined until after its assembly.

Regarding Claim 3, Behr discloses, at least in figure 1, a lamp (1) characterized in that the cap (5 and 6) comprises a row of break away parts (parts 5 and 6), whereby one or more break away parts may be removed. (Cap part 5 can be broken away from part 6).

Regarding Claim 4, Behr discloses, at least in figure 1, a lamp (1) characterized in that two break away parts (5 and 6) are removed, whereby two separate recesses are created. (If cap part 5 is broken away from cap part 6, a recess is created in cap part 6. If cap part 5 is broken away from the lamp (1) a recess is created in cap part 5).

Regarding Claim 5, Behr discloses, at least in figure 1, a lamp characterized in that break away parts are present in a radially extending flange of the cap. (Breakaway part of the cap 5 is present in a radially extending flange of cap part 6).

Regarding Claim 6, Behr discloses, at least in Figure 1, and the abstract, a method for manufacturing a lamp comprising a burner (1) and a cap (base 5 and 6) to connect the lamp with a lampholder (not shown) , (Plugs 7 and 8 for connecting to motor vehicle), whereby the shape of the cap determines the type of lampholder to which the lamp can be connected , (the shape of the cap always determines the type of lampholder that the lamp can be connected to) characterized in that the shape of the cap is established after the burner and the cap are assembled to form the lamp. (If, for example, the injection molding process is used for the base (5 and 6, see Column 4, lines 23-25), the shape of the base (5 and 6) would be determined after

Art Unit: 2879

the assembly of the base (cap) and the bulb (burner). Furthermore, since Behr discloses a two part base (5 and 6), the shape of the base would not be determined until after its assembly.

Regarding Claim 7, Behr discloses, at least in figure 1, a lamp (1) characterized in that said shape of the cap (5 and 6) is established by breaking away a part (6) of the cap, whereby that part (6) was connected to the remainder of the cap (5) by a relative weak connection.(Column 3, lines 33-35 discloses that the cap part 5 has lugs (52) that engage in slots (61) of cap part 6.

Regarding Claim 8, Behr discloses characterized in that said shape to be established depends on the results of a testing procedure of the lamp.

The shape of the cap (base) established will always depend upon the lampholder that it will go in. The testing procedure simply entails trying the cap to see if it fits in a base which is always done when inserting a lamp.

Allowable Subject Matter

Claim 2 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

The following is an examiner's statement of reasons for indicating allowable subject matter:

Art Unit: 2879

Regarding dependent claim 2, the prior art fails to teach or suggest said shape of the cap is established by breaking away or not breaking away one or more breakaway parts provided at the cap, where each breakaway part, when broken away, creates a recess which permits insertion of the burner into the lampholder, in combination with the remaining limitations of the claims.

Conclusion

Examiner's note: Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DONALD L. RALEIGH whose telephone number is (571)270-3407. The examiner can normally be reached on Monday-Friday 7:30AM to 5:00PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimesh Patel can be reached on 571-272-2457. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Peter J Macchiarolo/
Patent Examiner, Art Unit 2879

/Donald L Raleigh/
Examiner, Art Unit 2879